

5. On September 26, 2019, MERSCORP filed a Notice of Removal in both the State Court Action and instant action. *See Exhibit 4.*

6. On October 3, 2019, MERSCORP filed an Answer with Counterclaims. *See Exhibit 5.*

7. DBI filed a Reply on November 14, 2019. *See Exhibit 6.*

8. Throughout the course of the litigation, the parties attempted to resolve this matter, including on December 5, 2019, whereby Blank Rome provided DBI with a list of (1) 393 loans which MERSCORP then showed DBI as the investor or servicer in the MERS® System currently, and (2) 6,709 loans which DBI deactivated on the MERS® System since they became a Member in order to assist DBI in coming up with a list of how many assignments it would need from MERSCORP. *See Declaration of Joseph. J. Patry, Exs. S & T.*

9. DBI failed to provide Blank Rome with the list or any additional information needed by MERSCORP to issue the assignments.

10. On April 15, 2021, the Court issued an Order directing the parties to submit a status report by April 29, 2021. *See Exhibit 7.*

11. On April 20, 2021, DBI's prior counsel filed a motion to withdraw as attorney. [Docket No. 11].

12. By Order dated April 23, 2021, the Court granted counsel's motion to withdraw and extend the parties' deadline to submit a status report to June 1, 2021. *See Exhibit 8.*

13. MERSCORP filed a status report on June 1, 2021. [Docket No. 14].

14. A pre-motion conference was held on June 25, 2021. At the conference, the Court directed MERSCORP to move for summary judgment no later than July 15, 2021.

15. As of June 30, 2021, Blank Rome has billed \$19,558 in attorneys' fees and \$427.60

in costs in defense of this litigation. This reflects an hourly rate of \$425 for partners, \$360 for associates and \$145.00 for the Managing Clerk's Office.

16. MERSCORP now files this Motion.

Dated: New York, New York
July 15, 2021

/s/ Andrea M. Roberts
Andrea M. Roberts